

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JAY FOLSE,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00252

JOHN MCCUSKEY, JR.
and LEE CASSIS,

Defendants.

MEMORANDUM OPINION AND ORDER

On June 13, 2022, the Plaintiff, proceeding *pro se*, filed his Complaint (Document 1) in this matter. On July 5, 2022, Defendant John McCuskey, Jr., filed a Motion to Dismiss (Document 5) and Defendant Lee Cassis filed a Motion to Dismiss (Document 6).


By *Administrative Order* (Document 3) entered on June 14, 2022, the matter was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On August 15, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 13) wherein it is recommended that this Court grant Defendant John McCuskey, Jr.'s Motion to Dismiss (Document 5) and Defendant Lee Cassis's Motion to Dismiss (Document 6), dismiss the Plaintiff's Complaint (Document 1) with prejudice, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 1, 2022.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that Defendant John McCuskey, Jr.'s Motion to Dismiss (Document 5) be **GRANTED**, Defendant Lee Cassis's Motion to Dismiss (Document 6) be **GRANTED**, the Plaintiff's Complaint (Document 1) be **DISMISSED with prejudice**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: September 12, 2022


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA